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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: David B. Weiner *et al.*

Serial No.: 09/719,067

Group No.: 1632

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Examiner: Ram Shukla

**For: METHODS AND COMPOSITIONS FOR DELIVERING PROTEINS TO
MACROPHAGE CELLS AND CELLS OF MACROPHAGE DERIVED
LINEAGES**

**DECLARATION OF DR. DAVID B. WEINER
PURSUANT TO 37 CFR § 1.132**

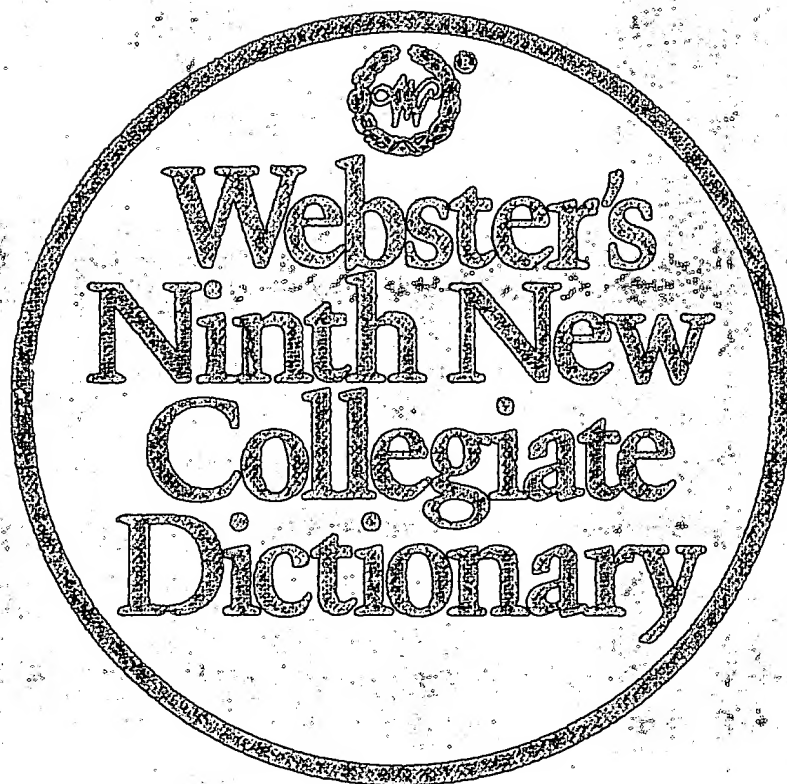
I, Dr. David B. Weiner, declare as follows:

1. I am an inventor in the above-identified patent application.
2. I have read the Office Action mailed March 24, 2004.
3. One of ordinary skill in the art would be able to determine whether a promoter is macrophage specific without undue experimentation by using routine, well known techniques.

Dated: _____

By: _____

Dr. David B. Weiner



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n [ME, fr. MF, fr. L. *provi-*
a often cap: divine guidance
ower sustaining and guiding
being provident
vident, providens, fr. prp. of
for the future: PRUDENT 2

8) 1: of, relating to, or de-
by foresight: PRUDENT 3
of Providence: FORTUNATE (a
ally \-dench-(ə)-le/ adv
provides; esp: BREADWINNER
condition that: in case
l, providing is as well estab-
Provided is somewhat more

L. *provincia* (14c) 1 a: a
ntrol of the ancient Roman
t or division of a country; c
lies 2 a: a division of a
chbishop or metropolitan b
n: a biogeographic division
t exhibits essential continuity
ized by particular structural
or appropriate function or
wledge or activity *syn* see

ME, fr. MF or ML; MF, fr.
provincie; in other senses, fr.
1: the superior of a prov.
2: one living in or coming
or restricted interests or out-
refinement

r coming from a province 2
ing the polish of urban soci-
to a decorative style (as in
ty, and relative plainness; esp
inch-(ə)-le/ adv
a: dialectal or local word,
f being provincial
a native or inhabitant of a

-ties (1782) 1: PROVINCIAL-
sm
ing (1829): to make provin-
zā-shən/ n
or scientific experimentation
a place where something is

) a: form of a virus that is
host cell and by replicating
neration to the next without

F, fr. LL & L; LL *provi-*
ght, fr. *provisus*, pp. of *pro-*
vis) 1 a: the act or process
prepared beforehand c: a
eed or contingency: PREPA-
a stock of needed materials
sed in pl. 3: PROVISIO, STIPU-

\-vizh-(ə)-niŋ/ (1809): to
601): serving for the time
adv
or use until a regular issue

): PROVISIONAL
risher of provisions
IE, fr. ML *provisio quod pro-*
(as in a contract) that in-
sulation
containing or subject to a

a precursor of a vitamin
ning & alter, fr. *provisional*
a member of the extremist

JENT PROVOCATEUR
ovocacioun, fr. MF *provoca-*
catus, pp. of *provocare* (15c)
something that provokes,

serving or tending to pro-
— *pro-voc-a-tively* adv.

ing [ME *provoken*, fr. MF
vocate to call — more at
to a feeling or action b (to
el or action): EVOKE (to
fight) c: to provide (the
on): *pro-vok-er* n
ICKEN mean to arouse
o the response called for
TE implies a stirring, stir-
ger and frustration) STRU-
quiescence, or indifference
stimulating by mild
y interest) QUICKEN
e or lively (the high
mild anger: ANNOY
-er

pro-vo-lo-ne \-prō-və-ˈlō-nē/ n [It, aug. of *provola*, a kind of cheese]
(1912): a hard friable often smoked cheese of Italian origin
provost \-prō-vōst, -prāv-ast, -prō-vast, esp attrib, -prō-(vō)/ n [ME, fr.
OE *profast* & OF *provost*, fr. ML *propositus*, alter. of
praepositus, fr. L, one in charge, director, fr. pp. of *praepone* to place
at the head — more at PREPOSITION] (bef. 12c) 1: the chief dignitary
of a collegiate or cathedral chapter 2: the chief magistrate of a Scot-
tish burgh 3: the keeper of a prison 4: a high-ranking university
administrative officer

provost court n (1864): a military court usu. for the trial of minor of-
fenses within an occupied hostile territory
provost guard n (1862): a police detail of soldiers under the authority
of the provost marshal
provost marshal n (1535): an officer who supervises the military police
of a command

ˈprōw \-prau/ adj [ME, fr. MF *prou* — more at PROUD] archaic (15c)
: VALIANT, GALLANT

ˈprōw \-prau, archaic ˈprō/ n [MF *proue*, prob. fr. Olt dial. *prua*, fr. L
prora, fr. Gk *prōra*] (1555) 1: the bow of a ship: STEM 2: a pointed
projecting front part (as of an airplane)
prow-ess \-prau-sə-also -prō-/ n [ME *proesse*, fr. OF *proesse*, fr. *prou*
valiant — more at PROUD] (13c) 1: distinguished bravery; esp: mili-
tary valor and skill 2: extraordinary ability (his ~ on the football
field)

ˈprowl \-prau(ə)/ vb [ME *prollen*] vi (14c): to move about or wander
stealthily in or as if in search of prey ~ vi: to roam over in a preda-
tory manner — *prowl-er* \-prau-lər/ n

ˈprowl n (1803): an act or instance of prowling — on the prowl: in the
act of prowling; also: in search of something (as a sexual partner) (his
fourth wife had just left him, and he was on the prowl again — Mary
McCarthy)

prowl car n (1937): SQUAD CAR

prox-e-mics \-prāk-sē-miks/ n pl but sing or pl in constr [proximity +
-emics (as in phonemics)] (1963): the study of the nature, degree, and
effect of the spatial separation individuals naturally maintain (as in
various social and interpersonal situations) and of how this separation
relates to environmental and cultural factors — *prox-e-mic* \-mik/ adj
prox-i-mal \-prāk-sə-məl/ adj [L *proximus*] (1727) 1: situated close to:
PROXIMATE 2: next to or nearest the point of attachment or origin, a
central point, or the point of view; esp: located toward the center of
the body — compare DISTAL 3: of, relating to, or being the mesial and
distal surfaces of a tooth — *prox-i-mally* adv

proximal convoluted tubule n (ca. 1899): the convoluted portion of the
vertebrate nephron that lies between Bowman's capsule and the loop of
Henle, is made up of a single layer of cuboidal cells with striated bor-
ders, and is held to be concerned esp. with resorption of sugar, sodium
and chloride ions, and water from the glomerular filtrate — called also
proximal tubule

prox-i-mate \-prāk-sə-mət/ adj [L *proximatus*, pp. of *proximare* to ap-
proach, fr. *proximus* nearest, next, superl. of *prope* near — more at
APPROACH] (1661) 1: immediately preceding or following (as in a
chain of events, causes, or effects) (an interest in ~, rather than ulti-
mate, goals — Reinhold Niebuhr) 2 a: very near: CLOSE b: soon
forthcoming: IMMINENT — *prox-i-mately* adv — *prox-i-mate-ness* n
prox-i-mi-ty \-prāk-sim-ət-ē/ n [MF *proximité*, fr. L *proximitas*, *prox-*
imitas, fr. *proximus*] (15c): the quality or state of being proximate
: CLOSENESS

proximity fuze n (1945): an electronic device that detonates a projectile
within effective range of the target by means of the radio waves sent
out from a tiny radio set in the nose of the projectile and reflected back
to the set from the target

prox-i-mo \-prāk-sə-mō/ adj [L *proximo mense* in the next month]
(1855): of or occurring in the next month after the present

proxy \-prāk-sē/ n, pl proxies [ME *procurie*, contr. of *procuracie*, fr.
AF, fr. ML *procuratia*, alter. of L *procuratio* procurator] (15c) 1: the
agency, function, or office of a deputy who acts as a substitute for an-
other 2 a: authority or power to act for another b: a document
giving such authority; *specy*: a power of attorney authorizing a spec-
ified person to vote corporate stock 3: a person authorized to act for
another: PROCURATOR — *proxy* adj

proxy marriage n (1900): a marriage celebrated in the absence of one of
the contracting parties who authorizes a proxy to represent him at the
ceremony

prude \-prūd/ n [F. good woman, prudish woman, short for *prude-*
femme good woman, fr. OF *prode femme*] (1704): a person who is
excessively or priggishly attentive to propriety or decorum; esp: a
woman who shows or affects extreme modesty

prudence \-prūd-ən(t)s/ n [ME, fr. MF, fr. L *prudencia*, alter. of *provi-*
dentia — more at PROVIDENCE] (14c) 1: the ability to govern and
discipline oneself by the use of reason 2: sagacity or shrewdness in
the management of affairs 3: skill and good judgment in the use of
resources 4: caution or circumspection as to danger or risk

prudent \-prūd-ənt/ adj [ME, fr. MF, fr. L *prudens*, contr. of *provi-*
dent, *providens* — more at PROVIDENT] (14c): characterized by, arising
from, or showing prudence: as a: marked by wisdom or judicious-
ness b: shrewd in the management of practical affairs c: marked
by circumspection: DISCREET d: PROVIDENT, FRUGAL *syn* see WISE —
prudent-ly adv

prudential \-prūd-ən-chəl/ adj (1641) 1: of, relating to, or proceed-
ing from prudence 2: exercising prudence in business matters —
prudent-ly adv

pru-dery \-prūd-(ə)-rē/ n, pl -rē-es (1709) 1: the characteristic quality
or state of a prude 2: a prudish act or remark

pru-dish \-prūd-ish/ adj (1717): marked by prudery: PRIGGISH — *pru-*
de-ly adv — *pru-dish-ness* n

pru-nose \-prū-nōs/ adj [L *pruinus* covered with hoarfrost, fr.
pruina hoarfrost — more at FREEZE] (ca. 1826): covered with whitish
frost or bloom (~ stems)

prune \-prūn/ n [ME, fr. MF, plum, fr. L *prunum* — more at PLUM]
(14c): a plum dried or capable of drying without fermentation

prune vb pruned; pruning [ME *pruynen*, fr. MF *pruignier*, prob. alter.
of *provincer* to layer, fr. *provinc* layer, fr. L *propagare*, *propaga*, fr. *pro-*
ward & *pangere* to fix — more at PRO, FACT] vi (15c) 1 a: to
reduce esp. by eliminating superfluous matter (*pruned* the text) (~ the

budget) b: to remove as superfluous (~ away all ornamentation) 2
: to cut off or cut back parts of for better shape or more fruitful growth
~ vi: to cut away what is unwanted or superfluous — *pruner* n
pru-nel-la \-prū-nel-ə/ also pru-nelle \-nē-/ n [F. *prunelle*, lit., sloe, fr.
dim. of *prune* plum] (1670) 1: a twilled woolen dress fabric 2: a
heavy woolen fabric used for the uppers of shoes
pruning hook n (1611): a pole bearing a curved blade for pruning
plants

pru-ri-ence \-prūr-ē-ən(t)s/ n (ca. 1755): the quality or state of being
prurient

pru-ri-en-cy \-ən-sē-/ n (1711): PRURIENCE
pru-ri-ent \-ən(t) adj [L *prurient*, *pruriens*, prp. of *prurire* to itch, crave,
be wanton; akin to L *pruna* glowing coal, Skt *plosati* he sings] (1652)
: marked by or arousing an immoderate or unwholesome interest or
desire; esp: marked by, arousing, or appealing to unusual sexual desire
— *pru-ri-ent-ly* adv

pru-ri-go \-prū-ri-(gō, -rē-/ n [NL, fr. L, itch, fr. *prurire*] (1646): a
chronic inflammatory skin disease marked by itching papules

pru-rit-ile \-rit-ik/ adj (1899): of, relating to, or marked by itching

pru-rit-ous \-rit-əs, -rēt-/ n [L, fr. *pruritus*, pp. of *prurire*] (1653): ITCH 1
Prussian blue \-prash-ən-/ n [Prussian, Germany] (1724) 1: any of
numerous blue iron pigments formerly regarded as ferric ferrocya-
nide 2: a dark blue crystalline hydrated ferric ferrocyanide
Fe₄[Fe(CN)₆]₃·xH₂O used as a test for ferric iron 3: a variable color
averaging a moderate to strong greenish blue

Prussian-ism \-prash-ən-siz-/ n (1856): the practices or policies (as
the advocacy of militarism) held to be typically Prussian

pru-si-an-ize \-niz/ vi -ized, -iz-ing often cap (1861): to make Prussian
in character or principle (as in authoritarian control or rigid discipline)
— *pru-si-an-iza-tion* \-prash-ən-sā-zā-shən/ n

pru-si-ate \-prəs-ē-āt/ n [F, fr. *acide prussique*] (1790) 1: a salt of
hydrocyanic acid: CYANIDE 2: FERROCYANIDE b: FERRICYANIDE

pru-tah or pru-ta \-prū-tā/ n, pl pru-toth or pru-toth \-tōt(h), -tōs/
[NHeb *pēritah*, fr. LHeb, a small coin] (1949) 1: a former monetary
unit of Israel equivalent to 1/1000 pound 2: a coin representing one
prutah

ˈpry \-pri/ vi pried; prying [ME *prien*] (14c): to look closely or inquisi-
tively; also: to make a nosy or presumptuous inquiry

ˈpry vi pried; prying [alter. of *prize*] (ca. 1806) 1: to raise, move, or
pull apart with a lever: PRIZE 2: to extract, detach, or open with
difficulty (*pryed* the secret out of my sister)

ˈpry n (1823) 1: a tool for prying 2: LEVERAGE

pry-er var of PRIER

pry-ing adj (1552): impertinently or officiously inquisitive or interroga-
tory *syn* see CURIOUS — *pry-ing-ly* \-iŋ-lē/ adv

psalm \-sām/ n, NewEng also \-sām/, n, often cap [ME, fr. OE *psalm*, fr.
LL *psalmus*, fr. Gk *psalmos*, lit., twanging of a harp, fr. *psallein* to
pluck, play a stringed instrument] (bef. 12c): a sacred song or poem
used in worship; esp: one of the biblical hymns collected in the Book
of Psalms

psalm-book \-būk/ n, archaic (bef. 12c): PSALTER

psalm-ist \-sām-ist, -sāl-most, NewEng also \-sām-ist/ n (15c): a writer
or composer of esp. biblical psalms

psalm-o-dy \-sām-əd-ē, -sāl-mad-, NewEng also \-sām-əd-ē/ n [ME
psalmodie, fr. LL *psalmodia*, fr. LGk *psalmodia*, lit., singing to the
harp, fr. Gk *psalmos* + *aidōn* to sing — more at ODE] (14c) 1: the
act, practice, or art of singing psalms in worship 2: a collection of
psalms

Psalms \-sā(ɪ)mz, NewEng also \-sāmz/ n pl but sing in constr: a collec-
tion of sacred poems forming a book of canonical Jewish and Christian
Scripture — see BIBLE table

Psalter \-sōl-tər/ n [ME, fr. OE *psalter* & OF *psalter*, fr. LL *psalterium*,
fr. LGk *psalterion*, fr. Gk, *psalter*] (bef. 12c): the Book of Psalms;
also: a collection of Psalms for liturgical or devotional use

psal-te-ri-um \-sōl-tir-ē-əm/, n, pl -rī-ə \-ē-/ n [NL, fr. LL, *psalter*; fr. the
resemblance of the folds to the pages of a book] (ca. 1846): OMASUM

psaltery also psaltry \-sōl-t(ə)-rē/ n, pl -ter-les also -tries [ME *psalterie*,
fr. MF, fr. L *psalterium*, fr. Gk *psalterion*, fr. *psallein* to play on a
stringed instrument] (14c): an ancient musical instrument resembling
the zither

p's and q's \-pēz-ən-ˈkyūz/ n pl [fr. the phrase *mind one's p's and q's*,
alluding to the difficulty a child learning to write has in distinguishing
between p and q] (1779) 1: something (as one's manners) that one
should be mindful of (better watch his p's and q's when I get a six-gun
for two solid days was too much — Guy McCrone)

pse-phol-o-gy \-sē-fāl-ə-jē/ n [Gk *psēphos* pebble, ballot, vote; fr. the use
of pebbles by the ancient Greeks in voting] (1952): the scientific study
of elections — *pse-pho-log-i-cal* \-sē-fə-lāj-i-kəl/ adj — *pse-phol-o-gist*
\-sē-fāl-ə-jist/ n

pseud \-sūd/ n [short for *pseudo-intellectual*] Brit (ca. 1962): a person
who pretends to be an intellectual

pseud- or pseudo- comb form [ME, fr. LL, fr. Gk, fr. *pseudēs*]: false
: spurious (*pseudaxis*) (*pseudoclassic*) (*pseudopodium*)

pseud-epi-graph \-sū-ˈdēp-ə-graf/ n (1884): PSEUDEPIGRAPHON 2

pseud-epig-ra-phon \-sūd-i-pig-rə-fən/ n, pl -pha \-fə/ [NL, sing. of
pseudepigrapha, fr. Gk, neut. pl. of *pseudepigraphos* falsely inscribed, fr.
pseud- + *epigraphē* to inscribe — more at EPIGRAM] (1692) 1 pl

: APOCRYPHA 2: any of various pseudonymous or anonymous Jewish
religious writings of the period 200 B.C. to 200 A.D.; esp: one of such
writings (as the Psalms of Solomon) not included in any canon of bibli-
cal Scripture — usu. used in pl.

pseud-epig-ra-phy \-fē/ n [Gk *pseudepigraphos*] (ca. 1842): the ascrip-
tion of false names of authors to works

pseu-do \-sūd-(ə)/ adj [ME, fr. *pseudo*] (15c): being apparently rather
than actually as stated: SHAM, SPURIOUS (distinction between true and
~ humanism — K. F. Reinhardt)

\ə/ about \ə/ kitten, F table \ər/ further \ə/ ash \ā/ ace \ā/ cot, cart
\a/ out \ch/ chin \el/ bet \ē/ easy \g/ go \h/ hit \l/ lace \j/ job
\j/ sing \ō/ go \ō/ law \ōi/ boy \th/ thin \th/ the \ū/ loot \ū/ foot
\y/ yet \zh/ vision \ā, k, ɔ, œ, u, ē, ū, ʏ/ see Guide to Pronunciation

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Applicants: David B. Weiner, Michael A. Chattergoon, Jean D. Boyer,

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